IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

Bail Appl..No. 1686 of 2007()

AGAINST THE ORDER DATED 13/03/2007 IN CMP.1171/07 IN CMP.1170/2007 of J.M.F.C.,KUNNAMANGALAM
CRIME NO.58/2007 OF KUNNAMANGALAM POLICE STATION

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PETITIONERS

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1. ISMAIL,S/O.MOOSA,KARAKUNNUMMEL HOUSE, OLAVANGAL HOUSE,10TH MILE,KUNNAMANGALAM.

2. RASAK,S/O.ALI,KARAKUNNUMMEL HOUSE, 10TH MILE,KUNNAMANGALAM.

3. MUHAMMED SHAFI,S/O.KOYA,AREEKDATHPURAYIL VEEDU,PANTHERPADAM,KUNNAMANGALAM.

4. ABBAN,S/O.MOIDEEN,PALAKKAL MEETHAL VEEDU PANTHERPADAM,KUNNAMANGALAM.

5. SHAMMER A.O,S/O.KUNHIKOYA, AAKKIL PURAYIL HOUSE,PANTHERPADAM,KUNNAMANGALAM.

6. SIDDIQUE K.K,S/O.AHAMMED KUTTY, MARAKKUNNUMMEL VEEDU,PANTHERPADAM,KUNNAMANGALAM.

7. MUSTHAFA K.K,S/O.AHAMMED KUTTY, KARAKKUNUMMEL VEEDU,PANTHERPADAM,KUNNAMANGALAM.

8. SIDDIQUE K.K,S/O.MAMMU,ANIKATTUMMEL HOUSE,PANTHERPADAM,KUNNAMANGALAM.

9. ABDUL KABEER,S/O.MAMUKOYA,AREEKADATH PURAYIL PANTHERPADAM,KUNNAMANGALAM.

10. FAISAL K.K,S/O.AHAMMED,KARAKKUNNUMMEL, PANTHERPADAM,KUNNAMANGALAM.

11. SHAMEEL K.,S/O.UMMER,KARAKUNNUUMMEL PANTHERPADAM,KUNNAMANGALAM.

BY ADV. SRI.P.SANJAY
SRI.A.PARVATHI MENON

RESPONDENTS:

STATE OF KERALA REP.BY THE SUB
INSPECTOR OF POLICE,KUNNAMANGALAM POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR HIGH COURT OF KERALA

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1686/2007

Dated this 20th day of March, 2007

O R D E R

The petitioners, who are accused Nos. 1 to 11 in Crime No.58/2007 of Kunnamangalam Police Station for offences punishable under Sections 143, 147, 148, 341, 324, 308, 332 and 225(b) IPC read with Section 149 IPC and also under Section 3(2)(e) of the PDPP Act, seek their enlargement on bail. The occurrence took place on 6.3.2007. Accused Nos. 1 and 2 were arrested on 6.3.2007 and rest of the accused were arrested on 9.3.2007.

2. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that Sub Inspector of Police, Kunnamangalam along with his police party were patrolling within the limits of the Police Station in connection with the harthal sponsored by UDF and when the police party reached at a place called 10th mile, about 25 persons including the petitioners herein formed themselves into an unlawful assembly and committed rioting armed with dangerous weapons and deterred the police party from discharging their official

duty. They also pelted stones at the Sub Inspector and his companions and damage caused to the police jeep was of Rs.2,000/-.

4. Having regard to the nature of the offences, the duration of judicial custody of the petitioners and the other circumstances of the case etc., I am inclined to grant bail to the petitioners, but from a future date. Accordingly, the petitioners are directed to be released on bail with effect from 28.3.2007, on each of them executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M, Kunnamangalam and subject to the following conditions:

(a). The petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

(b). The petitioners shall make themselves available for interrogation as and when required by the police till the filing of the final report.

(c). The petitioners shall not influence or intimidate the prosecution witnesses nor

shall they attempt to tamper with the evidence for the prosecution.

(d). The petitioners shall not commit any offence while on bail.

5. If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

The application is allowed as above.

V.RAMKUMAR,
JUDGE

mrcs